



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Docket Number (Optional)

081862.P149

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on December 29, 2005

Signature \_\_\_\_\_

Typed or printed name Tu Nguyen

Application Number

09/451,196

Filed

11/29/1999

First Named Inventor

Radesh Manian

Art Unit

2131

Examiner

Syed Zia

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 42,034

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34 \_\_\_\_\_

Signature

Thanh V. Nguyen

Typed or printed name

(714) 557-3800

Telephone number

December 29, 2005

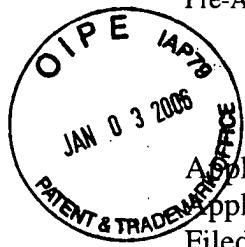
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

☐ \*Total of \_\_\_\_\_ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application. No. : 09/451,196  
Applicant : Radesh Manian  
Filed : 11/29/1999  
TC/A.U. : 2131  
Examiner : Syed Zia

Confirmation No. 8729

Docket No. : 081862.P149  
Customer No. : 8791

Commissioner for Patents  
PO Box 1450  
Alexandria VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

In response to the Final Office action dated July 29, 2005, Applicants would like to request a pre-appeal panel review of the application.

**Remarks/Arguments** begin on page 2 of this paper.

### **REMARKS/ARGUMENTS**

Claims 1-31 are pending in the present application.

This request is in response to the Final Office Action mailed July 29, 2005. In the Final Office Action, the Examiner rejected claims 1-31 under 35 U.S.C. §102(e). Pre-appeal panel review of the application in light of the remarks/arguments made herein is respectfully requested.

#### ***Rejections Under 35 U.S.C. § 102***

In the Final Office Action, the Examiner rejected claims 1-31 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,359,891 issued to Bergantino et al. ("Bergantino"). Applicants respectfully traverse the rejection and contend that the Examiner has not met the burden of establishing a prima facie case of anticipation.

There are several clear errors in the Examiner's rejections and arguments.

1) Bergantino does not disclose, either expressly or inherently, N logical schedule tables:

Applicants would like to refer to the arguments presented in the response filed on May 13, 2005, page 8 (lines 9-15). Among other things, neither the connection ID table nor the scoreboard is the same as the N logical schedule tables.

2) Bergantino does not disclose, either expressly or inherently, the N logical schedule tables being separated by table delimiters and operating independently:

Applicants would like to refer to the arguments presented in the response filed on May 13, 2005, page 8 (lines 15-31) and page 9 (lines 1-14). Among other things, there are no delimiters or N logical schedule tables operating independently.

3) Bergantino does not disclose, either expressly or inherently, a scoreboard as the hardware schedule table:

Applicants would like to refer to the arguments presented in the response filed on May 13, 2005, page 9 (lines 15-23). Among other things, the scoreboard only contains bits 1 or 0 corresponding to whether a cell is scheduled or available, not the entries for the assigned connection identifiers.

4) Claims must be interpreted consistently with the specification:

Claims should be interpreted consistently with the specification, which provides content for the proper construction of the claims because it explains the nature of the patentee's invention. See Renishaw P.L.C. v. Marposs Societa Per Azioni, 158 F.3d 1243 (Fed. Cir. 1998).

Here, the hardware schedule table, the N logical schedule tables, and their relationship are fully described in the specification. See, for example, line 15, page 8 through line 20, page 12; and Figures 2, 3A, 3B and 4.

Accordingly, Applicants respectfully request the Review Panel render a decision allowing the application.

***Conclusion***

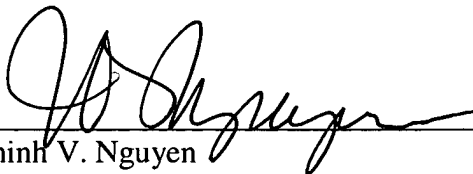
Applicant respectfully requests the Review Panel render a decision allowing the application.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: December 29, 2005

By



Thinh V. Nguyen

Reg. No. 42,034

Tel.: (714) 557-3800 (Pacific Coast)

12400 Wilshire Boulevard, Seventh Floor  
Los Angeles, California 90025

---

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)**

*I hereby certify that this correspondence is, on the date shown below, being:*

**MAILING**

**FACSIMILE**

☒ deposited with the United States Postal Service  
as first class mail in an envelope addressed to:  
Commissioner for Patents, PO Box 1450,  
Alexandria, VA 22313-1450.

☐ transmitted by facsimile to the Patent and  
Trademark Office.

Date: December 29, 2005



December 29, 2005

Date